Secretary to Government, Development Department.—

No.

Mr. K. T. Satyanarayana Setty.—

Are the Government aware that, from the point of view of labourers, the present Factories Regulation is full of defects ?

Secretary to Government, Development Department.—

No.

Mr. K. T. Satyanarayana Setty.—

Has it not been brought to the notice of Government earlier in this House that the Regulation should be suitably amended in several respects, and if so, will they be pleased to take up the question early ?

Secretary to Government, Development Department.—

The suggestion will be noted.

REPRESENTATIONS.

No. 1.—Revision of remission rules.

Messrs. Rame Gowda, Chintamani Taluk, and K. Chengalaraya Reddy, Bowringpet Taluk.

MR. K. CHENGALARAYA REDDY pointed out that the old remission rules provided for the grant of remission of half the wet assessment in cases of failure of wet crops in any tract continuously for two or three years. But, in the recent Government Order issued revising the rules of remission, even that concession has been partly taken away. For, according to it, owing to failure of water supply, if any dry crop were to be raised on a wet land, the extent of remission of wet assessment that would have been granted otherwise was to be reduced by the average rate of dry assessment. This was giving no relief at all to the raiyats. The rules, instead of being liberalised, had been stiffened. He therefore prayed that, irrespective of whether a dry crop was raised or not on a wet land, remission of half the wet assessment should be granted if wet crops failed.

THE FIRST MEMBER OF COUNCIL explained that, according to the old rules, remission of half the wet assessment was to be granted in cases where no crop could be raised or where

the yield was less than four annas. But those rules did not contemplate cases where dry crops were grown on wet lands, and the question of the extent to which the benefit of the remission rules should be shown in such cases had been left undecided. And that point was settled in the recent Government Order which stated that in cases in which wet lands were cultivated with dry crops with a yield of not less than eight annas the remission allowable otherwise should be reduced by the average rate of dry assessment prevailing in the area. Beyond this the order said nothing, and no new restriction was placed on the grant of remission.

MR. K. CHENGALARAYA REDDY however observed that full extent of remission should be given in such cases on the ground that no wet crops were raised and prayed that the existing rules be liberalised to that extent.

THE FIRST MEMBER OF COUNCIL pointed out that an occupant who got a good dry crop was certainly in a much more advantageous position than one whose lands remained entirely uncultivated or, if cultivated with wet crops, yielded a negligible outturn. The element of impoverishment would not exist in the same acute degree in such a case and the limit of concession had therefore to be necessarily lower. Thus there was no reason why he should not pay the dry assessment; and on this account it could not be said that remission rules had been made less liberal. On the other hand, year after year, increased facilities had been given to the raiyats.

MR. K. CHENGALARAYA REDDY next observed that according to the existing rules, if in any year no wet crop could be raised owing to the failure of water supply, previous years' harvests also were taken into consideration before granting remission. He prayed that this rule at least be liberalised so as to provide for remission in all cases of failure in a given year in any tract without regard to the seasonal conditions in the previous year or years.

THE FIRST MEMBER OF COUNCIL pointed out that it was within the knowledge of many that in Kolar District especially there were plenty of cases in which half remission had been granted on account of failure of wet crops even though there had been good harvests in the previous years.

MR. K. CHENGALARAYA REDDY observed that remissions in individual cases were granted by executive orders of Government. He desired that this should be made the rule and not an exception.

THE FIRST MEMBER OF COUNCIL replied that the same.

basis, *viz.*, the impoverished condition of the tract, decided all cases of remission.

Referring to the condition of impoverishment of any tract, MR. D. S. MALLAPPA enquired how it was ascertained whether a tract was impoverished or not.

THE FIRST MEMBER OF COUNCIL replied that discretion should be left to the Sub-Division Officer and the Deputy Commissioner concerned to judge whether a tract was impoverished or not.

MR. D. S. MALLAPPA observed that the discretion of even those officers had been fettered by instructions from higher officers. That was why the House desired that remission rules should be made more liberal and more definite.

MR. MIR MAHOMED brought to notice that in Tarikere there were many places where land had been actually prepared for cultivation of paddy but had to be left fallow on account of failure of *Ashlesha* rains and yet, in cases like that, no remission had been given. He prayed that such cases be examined and remission given.

THE REVENUE COMMISSIONER replied that, if particulars of such cases were furnished to him, he would enquire into them.

Referring to the statement that discretion was given to Sub-Division Officers and Deputy Commissioners to judge whether a tract was impoverished or not, MR. BELUR SRINIVASA IYENGAR pointed out that, if a tract was considered as impoverished by the lower officers, it was not considered as such by the higher officers. That was the case in Varthur Hobli and Mavinakere. Although the Deputy Commissioner and the Sub-Division Officer went to the spot, examined the granaries in detail and came to the conclusion that the tracts were really impoverished, yet, the Revenue Commissioner thought it otherwise. Hence the speaker was of the opinion that the discretion referred to gave wide latitude to the officers to interpret the rules as they liked. Instead of allowing such latitude to them, he prayed that the rules be liberalised.

MR. PUTTAVEERABHADRAPPA pointed out that, in Midagesi, Attihalli and Ananthapur, although no wet crops were raised owing to the failure of water supply in the previous years, the usual remission of half the wet assessment was not granted according to rules. On the other hand, coercive processes were adopted and the wet assessment collected, and although remission was applied for, not even a reply

had been received. He prayed that in deserving cases remission should be given irrespective of the fact whether the raiyats concerned applied for it or not.

MR. SUBBANNA NAIK pointed out that deserving cases went unnoticed due to incorrect and irregular maintenance of *pahni* accounts and to defects in jamabandi work. He was of opinion that, so long as such a state of affairs continued, deserving cases would not come to notice. He therefore prayed that the *pahni* accounts should be got maintained properly and examined by jamabandi officers during jamabandi.

THE DEWAN observed that instructions had been issued for the correct maintenance of *pahni* accounts.

MR. S. C. MALLIAH observed that, if there was no water in a tank and if a dry crop was raised on a wet land with the help of rain water, dry assessment should not be collected.

THE FIRST MEMBER OF COUNCIL replied that the proposal would cut at the root of the land revenue administration and involve a change in the existing land revenue policy. The revenue settlement gave the raiyat a guarantee for 30 years and frequent changes at intermediate stages would not make for his convenience. It was also not easy to effect such changes as could be done, for example, in the case of water rate which could be changed whenever necessary.

MR. B. S. PUTTASWAMY suggested that when no crop, either wet or dry, was raised on a wet land, dry rate should be levied, and when only dry crop was raised on it, remission of half the wet assessment should be granted.

THE FIRST MEMBER OF COUNCIL replied that the matter required to be considered carefully. He thought that the question of levying dry assessment and water rate separately might be considered in cases falling under the new Irrigation Regulation. But it was not possible in the case of old works as it would entail a new survey of each tract involving the levy of a higher water rate, which would certainly not be agreed to by any raiyat.

KHAN BAHADUR MAHOMED ABBAS KHAN did not see the reason why a raiyat, so long as he paid half the wet assessment even though there was failure of rains, should pay in addition dry assessment if he raised a dry crop on the wet land.

MR. K. VENKATASWAMIAH observed that the levy of the dry rate of assessment would not induce the raiyats to

take to more and more cultivation. On the other hand, he thought that agriculture would decline, and so far as the Government were concerned, the receipts from land revenue would surely decrease.

MR. V. VENKATAPPA also thought that it was not justifiable to levy dry rates in addition to half the wet assessment in case only a dry crop could be raised on a wet land.

THE FIRST MEMBER OF COUNCIL pointed out that the orders recently passed were quite in accordance with precedents and recognised by Revenue Law.

MR. V. V. IYER observed that, in the light of the facts represented by the previous speakers, justice would not be done if the condition of impoverishment of the tract as a whole was taken as the criterion for the grant of remission.

THE DEWAN replied that it was not possible to go further than what the existing remission rules permitted.

At this stage, the Assembly adjourned for lunch and re-assembled at 3-30 p.m.

On re-assembling, MR. M. S. LINGE GOWDA and others requested that Representation No. 105 relating to the ensuing general elections to the Representative Assembly and the Legislative Council might be taken up for consideration. The request being granted by the Dewan, that subject was taken up for discussion.

No. 105.—Postponement of elections to the Representative Assembly and the Legislative Council, ordered to be held on 15th July 1933, to the month of February or March 1934.

Mr. Dyavappa Gowda, Belur Taluk.

MR. B. P. BASAPPA SETTY represented that, on account of heavy rains and consequent floods in the month of July, it might not be possible for all the intending voters, especially in the malnad districts, to attend the polling centres on account of their inaccessibility. He said that two resolutions had been tabled on the same subject and several petitions had also been sent to Government by various bodies. The People's Party Conference held at Tumkur and the North Mysore Indian Planters' Conference at Chikmagalur had passed resolutions asking for the postponement of the elections and had sent them up for the consideration of the Government. During the recent tour of the Dewan (Sir Mirza Ismail) in the malnad, several representations were made to him about the inconveniences of having the elections in July and he was kind enough to assure them that the

matter would be sympathetically considered. Even during the last session of the Assembly, the members had explained that it would be very inconvenient to them if the elections were held in July. That was why, even in British Indian Provinces, elections were not held in the rainy seasons. In spite of these representations, Government had got the voters' lists prepared and were proceeding with the arrangements for the elections.

The member explained that this year the monsoon had begun very early and in the malnad, especially, the average rainfall during July would be 10 to 15 inches per day and consequently, it would be impossible for even 5 per cent of the voters to go to the polling booths to exercise their franchise. The result of this would be that deserving candidates would not get returned to the constitutional bodies. Since the Government had the power to extend the term of the existing Assembly, he prayed that the elections might be postponed to February or March 1934.

MR. BAGAMANE DEVA GOWDA represented the difficulties experienced by the voters in the malnad in the matter of boarding and lodging facilities when they went to record their votes. In several hoblies, the only available place would be the travellers' bungalow which would be invariably occupied by the polling officer leaving absolutely no accommodation for others. The rains during the season would be so heavy that even the furniture and the voting papers would get wet, with the possibility of many voting papers getting invalidated. He pointed out that the progress of a State would be measured by the number of voters exercising their franchise and as such it was up to the Government to afford sufficient scope for the purpose, by postponing the date of elections to February or March next year as was suggested by the previous speaker.

MR. D. S. MALLAPPA explained that the object of the representation was not to get the term of the existing Assembly extended till the next session, but to obviate the hardships actually felt by the people in exercising their franchise during the rainy season which was the least suited for holding the elections. The inconveniences complained of applied in a way to the maidan parts also, because it would be the sowing season and people could not attend to election work. He also said that the month of December being the harvest season, it would be equally inconvenient to the voters if elections were held in that month. When once the elections were postponed, it was immaterial from Government's

point of view whether they were held in December or March. For these reasons, he thought that March was the most convenient time for the elections. He did not believe that there would be any technical difficulty arising out of such postponement as the proposed date was within the official year.

MR. J. MAHOMED IMAM, in further supporting the representation, said that this year even in a dry district like Chitaldrug, there was heavy rainfall and that travelling had become very difficult. Barring provincial roads, all the roads were unfit for traffic and as such unless the elections were postponed, the voters would have to experience great hardships to reach the polling centres.

THE FIRST MEMBER OF COUNCIL observed that the request of the members amounted to the extension of the term of the present Assembly till June 1934 and that both the Assembly and, in case this request was granted, the Council could be reconstituted only before the next June Session. There were certain difficulties in such an arrangement. According to the constitution of the Legislative Council, some members would be returned by direct election, some from the Assembly and some others by nomination. Certain minorities had a few guaranteed seats on the Council. So far as those minorities were concerned, if they did not secure representation by means of direct election, arrangements had to be made to secure to them the guaranteed number of seats. In this connection, the Member explained that there was a complaint last time, especially from the Muslim Community, as their candidates to the Legislative Council had to be nominated by the Government. This happened because no Muslim member was returned in the general election and there was no time to get the associations to go through the formalities of an election since the interval between the sittings of the Representative Assembly and the Legislative Council was very short. This action on the part of the Government created a lot of discontent among the Muslim Community since it was keen on returning members by means of election. That was the chief difficulty which the Government wanted to avoid in future. Another difficulty was that those who were returned to the Legislative Council from the Representative Assembly in June Session would have no time to give notice of Questions, Resolutions, Subjects, etc., to the Budget Session of the Legislative Council. Such difficulties had been experienced in the past. With a view to obviate them, it was proposed to hold the elections for the next triennium in the month of July, so that the

new Assembly could meet in September and the new Council in December.

MR. BELUR SRINIVASA IYENGAR suggested that the elections might be held in February 1934 to solve the difficulties complained of. He was also of the opinion that the interval of 25 days between the sittings of the Representative Assembly and the Legislative Council was a sufficient period for the filling up of the guaranteed seats by election.

MR. B. S. PUTTASWAMY suggested the holding of the Assembly before the Birthday Festivities so as to have a longer interval between the two meetings.

THE FIRST MEMBER OF COUNCIL pointed out that it was only after the elections from the Assembly to the Legislative Council that the Government could convene the Budget Session of the Legislative Council and also decide about the representation of minorities therein.

KHAN BAHADUR MAHOMED ABBAS KHAN, while admitting that the holding of elections in the rainy season would cause a great hardship to voters especially in the malnad, sympathised with the difficulties of the Government. With a view to meet both sides, he suggested that, irrespective of the result of the elections from the Assembly, the seats guaranteed for the Muslim Community might be filled up in advance. He thought that in such an event, no Mussalman would be returned from the Assembly when once it was known that the community had already secured the seats guaranteed to it. But even if one was returned, there would be no harm, because the rules did not limit the Muslim representation on the Council to a maximum of 2.

Some members were in favour of this suggestion.

MR. P. SUBBARAMA CHETTY pointed out that as this difficulty about the elections would recur once in every three years, it was up to the Government to find a final solution for it.

THE FIRST MEMBER OF COUNCIL observed that the best course under the circumstances was to have the new Assembly for the October Session. So far as the present elections went, he enquired whether putting them off by three or four weeks after the 15th July would suit the requirements of the case.

MR. B. GOPALACHAR and others thought that neither July nor August would be convenient owing to the monsoon.

THE DEWAN observed that the proposal required consideration and that the decision would be communicated to the House during the course of the Session.

Several members represented that as 8th June had been fixed as the last date for sending up applications for candidature, the decision of Government might be communicated to the House in the course of the day.

THE DEWAN replied that Government wanted some time to think over the matter and that their decision would be communicated the next day, if possible. So far as the date fixed for sending up applications by candidates was concerned, he said that the necessary extension of time would be allowed if it was decided to defer the elections.

No. 2.—Remission of notice and isthihar fees.

Messrs. S. Sorappa and Marule Gowda, Sira Taluk; Chowdry Abdul Razak Sab, Sira Municipality.

MR. S. SORAPPA represented that the Government Order granting certain concessions in regard to the remission of notice and isthihar fees was not being given effect to liberally by the local officers. As most of the raiyats at present found it difficult to pay even the kandayam, he prayed that the Amildars and the Sub-Division Officers might be ordered to remit such fees in every case in which these officers were convinced that the party was too poor to pay.

MR. D. S. MALLAPPA brought to the notice of the Government that notice and isthihar fees were being recovered if even the second instalment was delayed.

THE REVENUE COMMISSIONER replied that owing to the general economic depression, circular instructions had been issued to the subordinate officers not to enforce the rules too rigidly.

MR. MIR MAHOMED SAB complained that it was seen from the budget that in 1931-32 a sum of Rs. 97,000 had been collected by way of notice, isthihar and japhti fees and that a provision of Rs. 60,000 had been made under the same head in the draft budget before the House. Under the rules, when a land was attached, the raiyats would have to pay a special fine to get it back. At a time when the people found it hard to pay even the assessment, it was cruel to recover penalties from them. Considering the fact that lakhs of rupees were being written off year after year in the case of the Iron Works, the speaker said that it was not too much to expect the Government to show some concession to the poor raiyats by waiving these penalties.

THE DEWAN replied that the rules on the subject were clear and that the concessions allowed were being shown.

MR. MIR MAHOMED SAB complained that even though the Government were sympathetic, the local officers were not.

MR. GURUSWAMI GOWDA represented that in one case, even though the assessment had been paid, the land was brought to auction because of non-payment of the notice fees.

THE REVENUE COMMISSIONER replied that such a procedure was irregular and a remedy could be got in appeal by the party.

MR. G. K. MALLAPPA represented that if a land was attached for an arrear of only 8 annas, the khatedar had to apply on 12 annas stamp paper for its restoration. That worked as a great hardship. He therefore requested that the Amildar himself might be empowered to restore the land on payment of the arrears.

THE FIRST MEMBER OF COUNCIL replied that the Sub-Division Officer could do it.

MR. JATRA NAIK complained that in some cases, assessment was not being received unless it was accompanied by the notice fees also.

MR. K. RAMIAH said that the Revenue Commissioner should not content himself with issuing circulars, but should satisfy himself that they were given effect to.

THE DEWAN observed that in the light of the representations made, instructions would once again be issued to the officers concerned to see that the rules are carried out sympathetically.

No. 3.—Reduction of the rate of dry assessment in Bangalore District.

Messrs. Veere Gowda and Hanume Gowda, Dodballapur Taluk; B. L. Byanna, Bangalore City Municipality; B. M. Munisamappa, Bangalore Taluk; S. I. Mumtaz, Channapatna Municipality.

MR. VEERE GOWDA represented that as the rate of dry assessment prevailing in the Bangalore District was higher than that in the other parts of the State, the same should be reduced by 50 per cent.

MR. B. L. BYANNA added that the dry assessment of Rs. 2 per acre in the Bangalore District was a very high rate and suggested that it be reduced to Rs. 1-8-0 at least.

THE DEWAN replied that the reduction suggested was not possible.

No. 4.—Reduction of assessment.

Messrs. Abdul Gaffar Sab, Sidlaghatta Municipality; V. Venkataswami Setty, Chikballapur Municipality; N. Ramiah, Chikballapur Taluk; R. P. Rajanna, Goribidnur Taluk; Venkatasami Gowda, Malur Taluk; G. Girimaji Rao, Kolar Taluk and H. Krishnamurthyachar, Mulbagal Taluk.

It is prayed that the assessment may kindly be reduced by 25 per cent as, in the present low prices prevailing, it is difficult to pay the assessment even if most of the crops are sold.

The above representation was kept by for discussion along with the resolution tabled on the same subject.

No. 5.—Remission of half the assessment.

Messrs. J. S. Mahalingappa, Jagalur Taluk; K. Ramiah Setty, Hosdurga Taluk.

As raiyats have suffered loss of crop on account of heavy rainfall in the Chitaldrug District, it is prayed that remission of half the assessment may be granted.

The above representation was not moved as the mover was absent.

No 6.—Recovery of land revenue in eight or six instalments instead of four as at present.

Messrs. Veere Gowda and Hanume Gowda, Dodballapur Taluk; B. L. Byanna, Bangalore City Municipality; B. M. Munisamappa, Bangalore Taluk; G. Venkataramana Gowda and Venkate Gowda, Kankanhalli Taluk and K. Y. T. Venkatachalia, Kankanhalli Municipality.

MR. VEERE GOWDA represented that owing to the prices of agricultural products having fallen too low, the raiyats found themselves unable to pay the kandayam and that consequently their lands were being sold for arrears of revenue and reserved to Government for want of bidders. For these reasons, he prayed that the land revenue which under the existing orders was required to be paid in four instalments might be made payable in eight or six instalments.

MR. B. OOSMAN KHAN said that so far as the current year's revenue collections were concerned, they were all over and that the concession asked for could apply only to the coming years. So far as his knowledge went, the poorer raiyats were paying their dues without delay, and it was not worth while showing the concession asked for to the richer classes.

MR. B. L. BYANNA pointed out that the fact that a sum of Rs. 97,000 had been recovered by way of notice and isthihar fees in the year and a provision of Rs. 60,000 was made in the next year's budget went to show under what pressure land revenue was being collected and represented that it would be a great help to the raiyats if the number of instalments at least was increased to 6.

MR. H. K. MADIAH represented that as the sufferings of the raiyats were very great, the concession prayed for should be granted.

THE DEWAN observed that extension of time was being allowed in deserving cases, but that it was not possible to increase the number of instalments to six as a general rule.

RAO SAHIB M. RAMASWAMI and MR. R. SUBBA RAO represented that during the collection season, the raiyats would be forced to sell their crops at very low prices to find money for paying the assessment. If time was given and the raiyats were enabled to defer the sale of their crops till May or June, they would surely get better prices. Thus, if the number of instalments was increased, it would go a long way to give them some relief.

MR. BELUR SRINIVASA IYENGAR said that more than a year and a half ago, Mr. Chengalaraya Reddy had moved a resolution in the Legislative Council that the number of instalments should be increased. Government had said in that connection that they were aware of the difficulties of the people, but that all the same they could not do anything. A similar proposition was also discussed in the Madras Legislative Council. The Governments of the United Provinces and the Central Provinces had given some relief to the agriculturists. By granting the request contained in the representation, Government did not stand to lose anything. As a matter of fact, in actual practice, the collection was actually spread over five instalments—4 instalments as laid down in the rules, and the balance, if any, paid at the end of the year together with notice and isthihar fees. What was now asked for was that the number of instalments might be increased by one more. What happened now was that for paying the kandayam alone, the raiyat had to sell the bulk of his crop. If the number of instalments was increased, the amount of each khist would be less and so he might find that amount by selling smaller quantities and reserving the rest for being sold later on for more favourable prices.

At this stage, the Assembly adjourned to meet again at 12 noon the next day.